

17778. Misbranding of Rx 5000 for women. U. S. v. 42 Dozen Bottles of Rx 5000 for Women. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25173. I. S. No. 7620. S. No. 3427.)

Examination of samples of a drug product labeled as Rx 5000 for women from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about September 30, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 dozen bottles of the said Rx 5000 for women at Chicago, Ill., alleging that the article had been shipped by the Robert P. Gust Co. (Inc.), from Los Angeles, Calif., in part on May 28, 1930, and in part on July 11, 1930, and had been transported from the State of California into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug, a trace of alkaloids, resins, aloin, alcohol, and water flavored with aromatics.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label and in the accompanying circular, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers, and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle) "Dosage * * * every hour until relief is obtained;" (circular) "For Menstrual Disorders * * * Amenorrhea. If the discharge is not present at the expected period, or insufficient, due to some unknown cause or psychic disturbance * * * To obtain best results 'Prescription 5000' should be taken * * * Menostasis. * * * Menorrhagia. In cases of excessive hemorrhage as caused by insufficient constriction of the uterus. * * * Dysmenorrhea. If organic cause is not present, 'Prescription 5000' acts as antispasmodic and uterine sedative * * * Menopause. In psychic disorders attending cessation of the menstrual flow."

On October 27, 1930, the Robert P. Gust Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled at Los Angeles, Calif., under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17779. Adulteration and misbranding of Eucaline tonic compound (tasteless) and misbranding of Eucaline tonic compound (regular). U. S. v. 70 Bottles of Eucaline Tonic Compound (Tasteless), et al. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 24908. I. S. Nos. 035435, 035436. S. No. 3234.)

Examination of samples of the above-described drug products showed that the labels bore claims of curative effects in certain diseases for which cinchona derivatives are customarily prescribed, and that the products contained insufficient cinchona alkaloids, or their salts, to cure such ailments when administered according to the accompanying directions; also that the labels bore claims of curative effects in certain other ailments which were not justified by the composition of the articles. The said Eucaline tonic compound (tasteless) contained more acetanilide than declared and was labeled, "Free from Dangerous Medicine," whereas acetanilide is a heart depressant and, therefore, harmful if administered freely.

On July 15, 1930, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bottles of Eucaline tonic compound (tasteless) and 27 bottles of Eucaline tonic compound (regular), remaining in the original